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FURTHER SPECIAL REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS IRAQ-KUWAIT OBSERVATION MISSION (UNIKOM)

1. In his statement of 11 January 1993 (S/25091) the President of the Security Council on behalf of the Council invited me, as a first step, to explore on an urgent basis the possibilities for restoring the United Nations Iraq-Kuwait Observation Mission (UNIKOM) to its full strength and to consider in an emergency such as the present one the need for rapid reinforcement as set out in paragraph 18 of the then Secretary-General's report of 12 June 1991 (S/22692), as well as any other suggestions I might have to enhance the effectiveness of UNIKOM, and to report back to the Council.

2. The emergency referred to above arose following a series of incidents involving Iraq, which are mentioned in the statement of the President of the Council. It is accordingly assumed that the Council's objective in enhancing UNIKOM's effectiveness is to prevent a recurrence of such incidents and, should they recur, enable UNIKOM to deal with them effectively.

3. The Security Council in resolution 687 (1991) established UNIKOM as an observation mission with the tasks of monitoring the demilitarized zone (DMZ) along the boundary between Iraq and Kuwait; deterring violations of the boundary through its presence in and surveillance of the DMZ; and observing any hostile or potentially hostile action mounted from the territory of one State to the other. UNIKOM's observers are unarmed. In case of a violation, the observers report and make representations, or representations are made at a higher level either in the field or at United Nations Headquarters. The operation is based on the premise that the Governments of Iraq and Kuwait will take the necessary steps to comply with the decisions of the Security Council and will cooperate with UNIKOM in good faith. UNIKOM has neither the authority nor the means to enforce the Council's decisions.

4. The incidents which have taken place in the area of operation since the beginning of the month were closely monitored by UNIKOM and reported to United Nations Headquarters. In addition, UNIKOM made immediate representations to Iraqi personnel on the spot as well as to the Iraqi military authorities through the established liaison channel. On this occasion, protests and representations were for the most part ineffective because UNIKOM's

interlocutors stated that they were powerless to influence a course of events which had been set in motion at the highest levels of the Iraqi Government. Similarly, representations made at United Nations Headquarters remained without a positive response until the Security Council itself intervened and, in addition, other measures were threatened by Member States, at which point the President of the Security Council was informed, inter alia, that Iraq would suspend its unauthorized retrieval of property from Kuwaiti territory.

5. UNIKOM thus performed the function for which it was designed and for which its strength is sufficient. If, however, the Security Council should decide that UNIKOM's present mandate does not permit an adequate response to such violations as have occurred and that UNIKOM should be able to prevent and redress them, then UNIKOM would require a capacity to take physical action. Such action could be taken to prevent or, if that fails, redress:

(a) Small-scale violations of the DMZ;

(b) Violations of the boundary between Iraq and Kuwait, for example by civilians or police; and

(c) Problems that might arise from the presence of Iraqi installations and Iraqi citizens and their assets in the DMZ on the Kuwaiti side of the newly demarcated boundary.

The above tasks could not be performed by unarmed observers. In their place, UNIKOM would have to be provided with infantry in sufficient numbers. With regard to the third point, I should also recall my letter of 23 December 1992 (S/25085, Annex I) in which I brought to the Security Council's attention some issues arising from the demarcation of the boundary. These concerned the Iraqi police posts on Kuwaiti territory, whose urgent withdrawal I have been seeking and for which the Council has set the deadline of 15 January 1993, and the Iraqi citizens and their assets which remain on Kuwaiti terrritory. In regard to the latter, I have already informed the Council that I am in touch with the Governments of Iraq and Kuwait, with a view to having this issue settled in a reasonable way. I have noted with appreciation the Council's concurrence with this approach. I shall be actively pursuing my contacts and I shall keep the Council informed of their outcome.

6. In his statement the President of the Security Council invited me to consider the need for rapid reinforcement of UNIKOM with infantry units. When this idea was introduced in June 1991, it was based on the assumption that other peace-keeping operations in the region, namely the United Nations Peace-keeping Force in Cyprus (UNFICYP) and the United Nations Interim Force in Lebanon (UNIFIL), would retain the capacity to detach infantry to assist UNIKOM, as they had done when that Mission was set up. Following the reduction in the military strength of the two peace-keeping forces, this capacity no longer exists. Moreover, their detachments would take some time to reach UNIKOM and they would be available only for a few weeks, after which they would have to return to their parent missions. This would not meet the requirements set out above, which call for infantry to be present on the ground on a permanent basis.

7. It is estimated that three mechanized infantry battalions would be required to perform the functions outlined in paragraph 5 above. In addition, UNIKOM's airlift capability would need to be augmented so that it could lift one company in one wave for rapid reaction. Together with the necessary increase in headquarters and support elements, UNIKOM would then comprise the following military elements:

-	Headquarters and communications	225
-	infantry battalions (3 x 750)	2 250
-	logistic battalion	750
-	engineers	200
-	medical unit	100
-	helicopters (e.g. 20 x Bell 212)	120
	Total	3 645

The above assets are those that would be needed to enable UNIKOM to carry out its new mandate with regard to the land boundary. If the Security Council required the force also to prevent violations of the maritime boundary, when demarcated, UNIKOM would need naval assets, with the necessary docking facilities, to enable it to patrol the Khawr Abd Allah and intercept any violating vessels.

8. Following the introduction of the infantry units, it would no longer be necessary or practical to retain the unarmed military observers in the Mission. All their present tasks would be assigned to the infantry, which would be deployed at the existing Patrol and Observation Bases and patrol the DMZ. The units would need to include a sufficient number of officers to carry out liaison, investigations and other special tasks.

9. UNIKOM would not assume responsibilities falling within the competence of the host Governments, which would continue to carry out all aspects of civilian administration in their respective territory. As in the past, both Governments would be expected to consult with UNIKOM on the regulation of their activities within the DMZ. This would be of particular importance with regard to the maintenance of law and order, as UNIKOM would have become an armed force with a mandate which in some respects would overlap that of the local police.

10. UNIKOM would be provided with the weapons integral to its infantry battalions. It would not use its weapons except in self-defence, which would include resistance to attempts by forceful means to prevent it from discharging its duties under the mandate of the Security Council. UNIKOM would thus not be authorized to initiate enforcement action.

11. UNIKOM would need to retain the freedom of movement and the privileges and immunities it now has and the arrangements governing its presence in Iraq and Kuwait should continue to apply mutatis mutandis.

12. It is to be emphasized that the above is based on the assumption that the Government of Iraq as well as the Government of Kuwait would undertake to cooperate with the restructured Mission. In the absence of such cooperation, it would become impossible for UNIKOM to carry out its functions, in which case the Security Council would need to consider alternative measures. It is also worth noting that a force on the scale suggested above would not have the capacity to prevent a significant military incursion. Should the Security Council consider that this risk exists, it would be necessary to make other arrangements for dealing with it, while at the same time ensuring the safety of UNIKOM.